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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS E. KEPKE,

Defendant.

Criminal No. 3:21-CR-00155-JD

UNITED STATES' PROPOSED VOIR DIRE

The United States of America, by and through undersigned counsel, hereby respectfully submits the following proposed voir dire questions. The United States also respectfully requests leave to orally ask supplemental questions as may be occasioned by the responses of prospective jurors.

1. What is your name?
2. How old are you?
3. What city or town do you live in?
4. How long have you lived there?
5. What is your occupation? (If not currently employed, please name your most recent prior

1 occupation).

2 6. Who is (or was) your employer?

3 7. How long have you worked for this employer (or how long did you work there)?

4 8. What is the highest level of education you completed?

5 9. What was your major area of study?

6 10. If you have children, what are their age(s) and occupation/employer (if applicable).

7 11. Please list the occupation/employer of your spouse, partner, or any other adults who live
8 with you (if applicable).

9 12. Have you ever served on a jury before, and if so, how many times?

10 13. Were the jury/juries you served on civil or criminal?

11 14. Did the jury/juries you served on reach a verdict?

12 15. Have you ever served in the military? If so, in what capacity?

13 16. Are you acquainted with the Defendant in this case – Carlos E. Kepke?

14 17. Are you acquainted with any of the attorneys in this case – [List Attorneys].

15 18. [TBD], a Special Agent with the Internal Revenue Services, is also seated at the
16 government's counsel table and will be assisting in the government's case. Are you acquainted with
17 Special Agent [TBD], or anyone else who works for the Federal Bureau of Investigation?

18 19. The following people may be witnesses who will testify during the trial of this case.
19 Please state whether you are acquainted with any of these people, and if you are acquainted, describe
20 how you know the person: [Refer to Witness Lists]

21 20. This is a criminal case. In a criminal case, the government has accused a person of
22 committing a crime, but that does not necessarily mean the person is guilty of the crime. The law
23 requires you to presume that the defendant is innocent, and you may not convict the defendant unless the
24 government has proven that the defendant is guilty of the crime beyond a reasonable doubt. Do you
25 have any difficulty with this concept that would prevent you from serving as an impartial juror in this
26 case?

27 21. In a criminal case, the government must prove the defendant is guilty beyond a
28 reasonable doubt. The law does not require that the government prove its case beyond all doubt. Do

1 you have any difficulty with this concept that would prevent you from serving as an impartial juror in
2 this case?

3 22. Defendants are not required to testify, and they are not required to present any evidence
4 or put on any witnesses in the case. If the government does not meet its burden under the “reasonable
5 doubt” standard, the jury may not convict the defendant, even if the defendant presents no evidence or
6 witnesses. Do you have any difficulty with this concept that would prevent you from serving as an
7 impartial juror in this case?

8 23. Do any of you have any moral, religious, philosophical, or political principles that make
9 you reluctant to serve on a jury in a criminal case?

10 24. This case involves alleged criminal violations of the Internal Revenue Code. This is not a
11 civil proceeding. Is there anything about this type of case that would make you reluctant to serve on a
12 jury?

13 25. Do any of you hold strong personal or philosophical feelings about the tax system of the
14 United States, or believe that the federal tax laws of the United States are unconstitutional?

15 26. Have you, or any of your close friends or family members, had any direct dealings with
16 the Internal Revenue Service, such as a civil audit, collection activity, or criminal investigation, or had
17 contact with Internal Revenue Service personnel?

18 a. If so, when did this occur?

19 b. What was the nature of the interaction?

20 c. Were you or the person involved satisfied with how the Internal Revenue Service
21 handled the matter?

22 d. In your opinion, did the Internal Revenue Service employees handle the matter
23 fairly and courteously?

24 e. Do you have any feelings or opinions about the Internal Revenue Service as a
25 result of this that would impact your ability to impartially serve as a
26 juror in this case?

27 27. Do any of you prepare tax returns for yourself?

28 28. If you normally have your income tax returns prepared by a professional tax return

1 preparer is there anything about that experience that may affect your ability to objectively evaluate the
2 evidence in this case which involves tax professionals?

3 29. Do any of you prepare tax returns for any individual or entity other than yourself and
4 your close family?

5 30. Are any of you self-employed?

6 31. Do any of you conduct business internationally?

7 32. Do any of you maintain foreign financial accounts?

8 33. During this trial you may hear testimony from a law enforcement officer who acted as an
9 undercover agent. That is, he assumed a fictitious identity and had meetings and conversations while
10 employing that fictitious identity. Do you have any views about the use of this lawful technique that
11 would make it difficult for you to be fair and impartial in this case?

12 34. Have you, or someone close to you, ever been the victim of a crime?

13 a. If so, do you believe the matter was handled fairly by law enforcement?

14 35. Have you, or someone close to you, ever been accused of a crime?

15 a. If so, do you believe the matter was handled fairly by law enforcement?

16 36. Have you, or someone close to you, ever worked in law enforcement?

17 37. Do you have difficulty with your hearing, sight or any other medical problem which
18 might impair your ability to devote full attention to this trial?

19 38. Do you understand and read the English language?

20 39. Do you have a hardship with serving on a trial during the month of December?

21 40. Is there anything else you would like the judge to know?

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24 s/ Michael G. Pitman
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